

REMARKS

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Correction of Inventorship Under 37 C.F.R. § 1.48(b)

The Applicants have, in the present amendment, cancelled claims 1-24 and 44-71. As a result of the cancellation of the aforementioned claims, the inventorship for this application—as identified by the pending claims—has changed. In that regard, the Applicants invoke the provisions of 37 C.F.R. § 1.48(b), which provides that:

[i]f . . . prosecution of [a] nonprovisional application results in the . . . cancellation of claims so that fewer than all of the currently named inventors are the actual inventors . . . an amendment must be filed requesting deletion of the name . . . of the person . . . who are not inventors of the invention being claimed.

A request for amendment of inventorship under Rule 48(b) requires a request signed by a party authorized under 37 C.F.R. § 1.33(b) to correct the inventorship. See 37 C.F.R. § 1.48(b)(1). That request must include the identity of the inventor being deleted and an acknowledgment that the inventor's invention is no longer being claimed. See 37 C.F.R. § 1.48(b)(1). The undersigned practitioner (who qualifies as a signatory under Rule 33(b)) hereby requests that DAVID NAPOLITANO be deleted as an inventor from the present application in that his invention is no longer being claimed.

The request for amendment must also include the processing fee set forth in 37 C.F.R. § 1.17(i), which is presently \$130 USD. The Examiner has previously been authorized to charge any fees due to DEPOSIT ACCOUNT 06-0600. The Examiner is, therefore, respectfully requested to charge the aforementioned fee to the aforementioned account as is further authorized by the enclosed fee processing forms submitted in duplicate.

Allowable Subject Matter

The Examiner indicated that "[c]laims 25-32 are allowed." *Office Action*, 4. The Applicants have cancelled all non-allowed claims thus leaving only allowable subject matter pending in the present application. As such, the Applicants believe the present application is in condition for allowance.

Interview Summary

The undersigned is informed and believes that the Examiner's *Interview Summary* dated September 22, 2006 accurately reflects the prior discussions between the Examiner and Ami Bergstrom. These discussions concerned the agreement reached July 18, 2006 with respect to the issuance of a supplemental office action that considered claims 1-43 as originally filed in addition to claims 44-71 as presented in a preliminary amendment dated June 18, 2004. The Applicants' representative appreciates the professional courtesy extended by the Examiner in issuing the supplemental (present) action.

CONCLUSION

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The Applicants believe that the cancellation of all rejected claims leaves only allowable subject matter pending in the present application. As such, the Applicants believe the application to be in condition for allowance.

The Applicants further believe the request for the deletion of inventor David Napolitano to be proper and request his name be struck as an inventor for the present application.

The Applicants expressly reserve the right to pursue any presently cancelled claim in a subsequent continuation application. Any cancellation presented in the current amendment should not be construed as concurrence with the Examiner's basis for rejection but a means as to expedite allowance of the present application.

The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning the present application.

Respectfully submitted,
Glen McLaughlin et al.

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